

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROUNDTABLE HEALTHCARE PARTNERS,  
L.P., a Delaware Limited Partnership,

Plaintiff,

v.

ANGIOTECH PHARMACEUTICALS (U.S.),  
INC., a Washington Corporation,

Defendant.

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Civil Action No.: 08-CV-02968 (MGC)

Filed Electronically

**Plaintiff RoundTable Healthcare Partners, L.P.'s  
Submission Pursuant to the Court's June 26, 2008 Order**

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## **I. WHAT IS AT ISSUE**

In the course of the sale of a company that manufactures medical products, RoundTable Healthcare Partners, L.P. (“RoundTable”) and Angiotech Pharmaceuticals (U.S.), Inc. (“Angiotech”), entered both a Stock Purchase Agreement and an Escrow Agreement (the “Contracts”). Under the Contracts, \$20 million of RoundTable’s sale proceeds were placed in an escrow fund. Angiotech made claims against all \$20 million of the fund, but has since dropped \$6.5 million of its claims.

RoundTable argues that Angiotech is not entitled to any of the escrow funds because: (1) no breach of representations and warranties occurred; (2) Angiotech failed to provide timely notice of its claims as the Contracts require; and (3) Angiotech refused to provide documentation supporting its claims or access to its books and records as the Contracts require. Further, nearly a year after the close of the claim notice period, Angiotech improperly attempted to increase its claims by more than \$2.0 million and to add more than \$2.0 million in “contingency” claims.

## **II. THE BEST WAY IN WHICH THE CASE CAN PROCEED**

These claims are ripe for adjudication. Certain liability issues can be disposed of through early summary judgment motion practice. Accordingly, RoundTable proposes the following schedule:

- July 24, 2008: Deadline to exchange initial disclosures, join additional parties, and amend.
- August 11, 2008 (for argument in September, 2008): RoundTable to file motion for summary judgment on whether some or all of Angiotech’s claims against the escrow must be dismissed due to Angiotech’s (1) failure to provide documentation supporting its claims, and (2) adding claims for funds after the close of the claim notice period.
- October 31, 2008: Close of fact discovery.
- November 28, 2008: Exchange of expert reports.
- December 31, 2008: Exchange of rebuttal reports.
- March 1, 2009: Close of expert discovery.
- April 15, 2009: Deadline to file all motions other than summary judgment.
- June 1, 2009: Joint Pre-Trial Order due.
- June 15, 2009: Final Pre-Trial Conference.
- July 1, 2009: Trial.

RoundTable proposes limiting the number of depositions to ten per party absent the Court's approval or consent by the opposing party.

DATED: July 1, 2008  
Chicago, IL

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of July 2008 I caused to be served a true and correct copy of RoundTable Healthcare Partners, L.P.s' Submission Pursuant to the Court's June 26, 2008 Order to be served upon each of the following via the CM/ECF system:

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